

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-14050

Hon. Mark A. Goldsmith

vs.

QUICKEN LOANS INC.,

Defendant.

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ORDER
REGARDING SEALED DOCUMENTS

On December 21, 2020, the Court issued an order informing the parties that the Court will unseal Dkts. 176-186, 188-288, 292-347, and 350-355 pursuant to the Order dated June 3, 2019 (Dkt. 362), unless an objection setting forth good cause not to do so is filed (Dkt. 364). The parties have now filed objections (Dkts. 369, 370). Before ruling on these objections, the Court will provide non-parties an opportunity to seek leave to file briefs as amici curiae setting forth their views on the issue of unsealing.

There is no statute or rule of civil procedure governing the filing of amicus briefs in district courts. See Freed v. Thomas, No. 17-13519, 2018 WL 3848155, at *2, *2 n.1 (E.D. Mich. Aug. 9, 2018). In light of the absence of an applicable rule of civil procedure, courts within this district have assumed Federal Rule of Appellate Procedure 29 governs the filing of amicus briefs in district courts. See, e.g., id. at *2-3. This Court will follow suit.

Any non-party seeking to present views on the unsealing issue must file a motion for leave to file an amicus brief and a proposed brief on or before February 19, 2021. The filing must comply with Fed. R. App. P. 29(a)(3) and (a)(4), except as follows: (i) the proposed brief should

not comply Fed. R. App. P. 32; instead the proposed brief must comply with Local Rules 5.1(a) and contain a certificate to that effect; and (ii) the proposed brief should not indicate support for affirmance or reversal of a decision, as that is not applicable in the present context. The length of the proposed brief must not exceed ten pages, exclusive of attachments. Any opposition to the motion must be filed within 14 days after service of the motion; any reply is due seven days following service of any opposition. To the extent a party does not oppose the motion but wants to offer views on the proposed amicus brief, it must file a statement to that effect within 14 days following service of the motion. Thereafter, the Court will establish a timetable for further briefing.

SO ORDERED.

Dated: January 29, 2021
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge